

**A**Administrative  
**S**Services  
**L**Letter

**09-08**  
**Leave Usage Pending  
Retirement**



Signed By	/s/ Marie Stephans, Chief Administrative Services Division	Number	09-08
Distribution	All Employees	Date Issued	August 18, 2009
Subject	Leave Usage Pending Retirement	Expires	When Canceled
Guide Section	Human Resources Branch	Reference	Government Code Section 19858.7 Department of Personnel Administration Rule 599.638 Cancels ASL 08-11

This Administrative Services Letter (ASL) regarding [Leave Usage Pending Retirement](#) provides you with detailed information on the Air Resources Board's new procedures of granting or running out leave credits pending retirement.

Any questions regarding this ASL should be directed to your [Human Resources Classification and Pay Analyst](#).

## Leave Usage Pending Retirement

### Guidelines for Supervisors

Air Resources Board  
Administrative Services Division  
Human Resources Branch

#### Employees

Upon applying for retirement, a person entitled to a lump-sum payment for any unused or accumulated annual leave may, within the limits noted below, elect to use all or any portion of that annual leave rather than accept the lump-sum payment on or prior to the effective date of retirement (Government Code section 19858.7). Applying for retirement is defined as having both filed an application and it being accepted by the California Public Employees Retirement System (CalPERS). As indicated in the CalPERS retirement application publication, applications should not be submitted to CalPERS more than 90 days prior to your retirement date.

In addition to the 90 days for which you may elect to take vacation/annual leave prior to the effective date of your retirement, you may request up to an additional 90 days of vacation, not to exceed a total of 6 months. The additional 90 days or less may be requested prior to submitting your application to CalPERS. Any additional time above the first 90 days, but not exceeding a total of 6 months, must be requested in writing and requires the approval of the employee's supervisor, Division Chief, Chief of Administrative Services, and the Deputy Executive Officer. Any remaining leave balances must be paid as a lump sum.

Please note: Department of Personnel Administration Rules 599.738 and 599.752 for excluded employees and the various labor contracts for rank and file employees require that vacation and annual leave balances not exceed a maximum of 640 hours. Leave balances should be maintained within these rules.

#### Supervisors

For Supervisors wishing to fill behind a retiring employee, whether to allow backfill at the same time as the retiring employee is still working for training purposes, or to fill the position for operational purposes while the retiring employee is running out their leave pending retirement, please note that their position can be filled no sooner than 60 days prior to the effective retirement date approved by CalPERS. This should be requested only on rare occasions for special needs circumstances. In addition, filling the position prior to the effective retirement date requires the approval of the Division/Office Chief and appropriate Deputy Executive Officer. Supervisors should take into consideration the time desired for hiring a new incumbent when approving additional time above the first 90 days the retiring employee is entitled to upon filing for retirement. Requests to backfill positions before an employee's retirement date should be included in any request requiring the Division/Office Chief and Deputy Executive Officer's approval for additional time beyond 90 days. This will require moving the retiring employee into the temporary help blanket to avoid over expending the position. Please work with your assigned Budget Analyst to ensure there are adequate blanket funds in your program budget to support the movement.

Any questions regarding this Administrative Services Letter should be directed to your [Human Resources Classification and Pay Analyst](#).